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2020 COMPLIANCE CALENDAR FOR CALENDAR-YEAR RETIREMENT, HEALTH AND WELFARE BENEFIT PLANS

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JANUARY

- By January 15: Post Schedule MB attachment from the 2018 Form 5500 (defined benefit pension plan actuarial information) on company intranet, assuming Form 5500 was filed by October 15, 2019
- Fund Q4 2019 contribution to defined benefit pension plan
- By January 31: Report value of health coverage on Form W-2
- Confirm retirement plan recordkeepers have provided Forms 1099-R to participants who received distributions in 2019
- File Form 945 to report income tax withheld from retirement plan distributions during 2019

Other Special Projects:

- Schedule quarterly meetings of Benefits Committee through December 31
- Review first payroll file to confirm new deductions have been accurately loaded into internal systems (e.g., 401(k) deferrals and health and welfare plan premiums and deductions) and review payroll configuration to confirm it conforms to retirement plan definition of pay
- Confirm contracts for all benefit providers have been signed, including insurance policies, administrative service agreements, and HIPAA business associate agreements
- Update company intranet with new benefit plan documents, Summary Plan Descriptions, Summaries of Material Modifications, policies, and forms
- Provide information in response to annual compliance questionnaires or other requests for information from retirement plan recordkeepers
- Continue tracking data to satisfy ACA reporting obligations for 2020 (which will be due in 2021) regarding offers of coverage to FTEs and provision of minimum essential coverage
- Work with retirement plan recordkeepers to perform nondiscrimination testing, including 410(b) minimum coverage testing, 402(g) limit testing, 401(k) and 401(m) ADP/ACP testing, 415 limit testing, 414(s) compensation testing, and top-heavy testing for 2019 plan year

FEBRUARY

- By February 1: Confirm 401(k)/403(b) plan recordkeepers have provided Q4 2019 quarterly statements to participants, including fee disclosure information (deadline is February 15)
- By February 28: Confirm retirement plan recordkeepers have filed Forms 1099-R (due date is March 31 if filing electronically)
- File ACA information reporting returns (Forms 1094-C and 1095-C) for 2019 (due date is March 31 if filing electronically)
- PBGC Form 1-ES estimated premium payment (flat-rate premium for plans with over 500 participants) is due to the PGBC
- By February 29: Complete online disclosure to CMS regarding “creditable coverage” status for prescription drug coverage to Medicare Part D individuals

Other Special Projects:

- Work with FSA/125 plan recordkeepers or brokers to perform applicable nondiscrimination testing, including 105(h) testing, 125 testing, and 129 testing for 2019 and projected testing for 2020
- Hold quarterly meeting of Benefits Committee to review 2019 year-end investment performance, fees, plan administration data, and plan operational issues
- Evaluate retirement plan design changes under “SECURE Act”

MARCH

By March 1: File DOL Form M-1 for MEWAs

By March 2: Provide 2019 ACA information reporting returns (Forms 1095-B and 1095-C) to individuals

By March 15: Deadline to apply to the IRS for a waiver of the minimum funding standard for defined benefit and money purchase pension plans

Process corrective distributions to “cure” failed 2019 ADP/ACP tests for 401(k) plan to avoid paying the 10% excise tax (a later June 30 deadline applies to 401(k) plans with eligible automatic contribution arrangements)

Fund all 2019 company contributions to retirement plans by due date for corporate tax return in order to deduct contributions for 2019 tax year (unless Form 7004 has been filed to extend due date for corporate tax return, permitting funding by September 15)

File Form 8928 to report excise taxes for noncompliance with certain group health plan requirements (COBRA; HIPAA special enrollment, portability and nondiscrimination rules; newborn mothers’ health; mental health parity; and failure to meet certain ACA requirements), unless Form 7004 has been filed to extend due date for corporate tax return, permitting filing by September 15

Deadline to adopt defined benefit plan amendments for the prior year for funding purposes

By March 31: Receive elections from eligible ESOP participants to diversify a portion of their ESOP accounts

Confirm retirement plan recordkeepers have filed Forms 1099-R, if filing electronically

File ACA information reporting returns (Forms 1094-C and 1095-C) for 2019, if filing electronically

File Form 5330 to report excise taxes and payment for excess 2018 plan year ADP/ACP contributions (or Form 5558 to request extension of up to 6 months to file)

File Retiree Drug Subsidy (RDS) reconciliation with CMS for 2018

APRIL

- By April 1: Confirm retirement plan recordkeepers paid initial required minimum distributions to participants who turned age 70 ½ in 2019
- By April 15: Fund Q1 2020 contribution to defined benefit pension plan
- File Form 8928 to report excise taxes for noncompliance with obligation to make comparable HSA contributions, unless Form 7004 has been filed to extend due date for corporate tax return, permitting filing by October 15
- Complete electronic filing with PBGC under ERISA 4010 (notice of underfunding) if AFTAP is less than 80% for 2019, if not previously filed
- Process distributions of excess 402(g) deferrals under 401(k)/403(b) plan for 2019
- By April 30: Distribute Annual Funding Notice for defined benefit pension plan with more than 100 participants
- Pay final 2019 comprehensive PBGC premium due to the PBGC for plans that filed an earlier estimated variable rate premium in the October 15, 2019 comprehensive filing

Other Special Projects:

- Schedule open enrollment planning meetings with brokers and consultants to discuss potential design changes to health and welfare plans for 2021
- Confirm with health plan vendors that quarterly Medicare Secondary Payer (MSP) reports are being filed with CMS
- Begin 2019 plan year audits for retirement plans and funded welfare trusts
- Confirm ESOP trustees are working with valuation firms to begin annual independent appraisal process

MAY

By May 1: Provide notice of benefit restrictions under IRC Section 436 to participants if AFTAP for defined benefit pension plan (certified by actuary as of April 1) is less than 80% and notice has not previously been provided

By May 15: Confirm 401(k)/403(b) plan recordkeeper has provided first quarter benefit statements to participants, including fee disclosure information

File Form 990 returns for tax-exempt trusts or voluntary employee beneficiary associations (VEBAs) (or file Form 8868 to automatically extend due date to August 15)

Other Special Projects:

- Hold quarterly meeting of Benefits Committee to review investment performance, fees, plan administration data, and plan operational issues for quarter ending March 31

JUNE

By June 30:

Process participant ESOP diversification elections that were made by March 31

Process corrective distributions to “cure” failed ADP/ACP tests for 401(k) plan with eligible automatic contribution arrangement for 2019, to avoid the 10% excise tax

Other Special Projects:

- Obtain insurance renewals from all vendors
- Work with retirement plan recordkeepers to provide modeling or projections of cost impact and nondiscrimination testing impact of any design changes being discussed or unusual plan features (e.g., level of company contributions; safe harbor, auto enrollment or auto escalation features; varying employee groups; etc.)

JULY

- By July 15: Fund Q2 2020 contribution to defined benefit pension plan
- By July 28: Distribute revised Summary Plan Descriptions or Summaries of Material Modifications reflecting material changes made to plans that were adopted and became effective in 2019
- By July 31: File Forms 5500 and 8955-SSA for retirement plans, and Forms 5500 for health and welfare plans with more than 100 participants (or file Form 5558 to extend due date to October 15)
- Distribute annual benefit statements to participants in non-participant-directed account retirement plans (*e.g.*, ESOPs) unless Form 5558 has been filed to extend due date for Form 5500 until October 15; issue distribution forms for terminated participants
- Distribute Annual Funding Notice for defined benefit pension plans with less than 100 participants (unless Form 5558 has been filed to extend due date for Form 5500 until October 15)
- Provide notice to terminated vested employees reported on Form 8955-SSA describing the amount of their vested benefits (unless Form 5558 has been filed to extend due date for Form 5500 until October 15)
- File Form 5330 to report excise taxes related to employee benefit plans for 2019 (*e.g.*, late remittance of participant contributions, excess 401(k) plan contributions, etc.)
- File Form 720 and pay PCORI fee of \$2.45 per covered life for plan years ending between January 1 and September 30, 2019 (due from self-insured medical plans)

Other Special Projects:

- Finalize health and welfare plan design for 2021
- Prepare annual report of Benefits Committee to Compensation Committee or Board of Directors, if required by the Benefits Committee charter
- Work with retirement plan recordkeepers and auditors on Forms 5500
- Work with health and welfare plan vendors on Forms 5500

AUGUST

By August 1: Late filing deadline to file Forms 1094-C/1095-C schedules for 2019

By August 15: Confirm 401(k)/403(b) plan recordkeeper has provided second quarter benefit statements to participants, including fee disclosure information

File Form 990 returns for tax-exempt trusts or VEBA's, assuming Form 8868 was filed to extend due date (or file a second Form 8868 to request an extension of the due date to November 15)

Other Special Projects:

- Hold quarterly meeting of Benefits Committee to review investment performance, fees, plan administration data, and plan operational issues for quarter ending June 30
- Review ERISA fidelity bond coverage and fiduciary liability insurance coverage levels with risk management, and renew or change as appropriate
- Schedule 401(k)/403(b) education seminars for employees to be held in the fall

SEPTEMBER

By September 15: Fund all 2019 company contributions to retirement plans by due date for corporate tax return in order to deduct contributions for 2019 and to avoid funding deficiency for defined benefit pension plans

File Form 8928 to report excise taxes for noncompliance with certain group health plan requirements (COBRA; HIPAA special enrollment, portability and nondiscrimination rules; newborn and mothers' health; mental health parity; and failure to meet certain ACA requirements), assuming Form 7004 was filed to extend due date

Form 5500 due for plans eligible for an automatic extension linked to a corporate tax extension

Minimum funding deadline for pension plans

By September 30: Distribute Summary Annual Reports for retirement plans, and for health and welfare plans with more than 100 participants (unless Form 5558 has been filed to extend due date for Form 5500, permitting distribution by December 15)

Confirm actuary for defined benefit pension plan certifies AFTAP for 2020

Other Special Projects:

- Finalize budget for 2021 and obtain approvals, as appropriate, from Compensation Committee or Board of Directors for benefit plan design changes
- Finalize retirement plan changes for 2021, so changes can be incorporated into annual notices that will be distributed between October 1 and December 1
- Conduct 401(k) educational seminars for employees
- Confirm the annual 404(a)(5) fee disclosure notice for each defined contribution plan has been updated and provided to participants within the last 14 months

OCTOBER

By October 14:	Distribute notice of Medicare Part D creditable prescription drug coverage to health plan participants (unless notice has been provided in open enrollment materials)
By October 15:	<p>Fund Q3 2020 contribution to defined benefit pension plans</p> <p>Adopt retroactive amendment to correct 410(b) minimum coverage or 401(a)(4) nondiscrimination testing failures for 2019</p> <p>File Form 8928 to report excise taxes for noncompliance with obligation to make comparable HSA contributions (assuming Form 7004 was filed to extend due date)</p> <p>File Form 5500 and 8955-SSA for retirement plans, and Form 5500s for health and welfare plans with more than 100 participants (assuming Form 5558 was filed to extend due date for Form 5500); if plan is using QSLOB testing, file Form 5310-A as notice of QSLOB election</p> <p>Complete and make payment for annual premium payment, single employer plan variable rate portion of premium, and flat-rate premiums due to PBGC</p> <p>Distribute annual benefit statements to participants in non-participant-directed account retirement plans, <i>e.g.</i>, ESOPs (assuming Form 5558 was filed to extend due date for Form 5500); issue distribution forms for terminated participants</p> <p>Distribute Annual Funding Notice for defined benefit pension plans with less than 100 participants (assuming Form 5558 was filed to extend due date for Form 5500)</p> <p>Provide notice to terminated vested employees reported on Form 8955-SSA describing the amount of their vested benefits (assuming Form 5558 was filed to extend due date for Form 5500)</p>
By October 31:	Provide notice of benefit restrictions under IRC Section 436 to participants if AFTAP for defined benefit pension plan (certified by actuary no later than October 1) is less than 60% and notice has not previously been provided

Other Special Projects:

- Work with 401(k)/403(b) plan recordkeeper to prepare notices, including QDIA notice, safe harbor notice, and auto enrollment notices, as required (to be distributed by December 1)
- Have ESOP trustees meet to review and accept annual valuation report for 2019
- Finalize and distribute open enrollment communications and Summaries of Benefits and Coverage.

NOVEMBER

- By November 15: Confirm 401(k)/403(b) plan recordkeeper has provided third quarter benefit statements to participants, including fee disclosure information
- File Form 990 returns for tax-exempt trusts or VEBAs if Form 8868 was filed to extend due date
- Distribute summary annual reports to participants if Form 5500 deadline was extended due to a corporate tax filing extension
- Summary of Benefits and Coverage (“SBC”) due to participants for each group health plan option that is offered. In addition, unless previously provided during open enrollment or at some other time this Fall, the following documents should be provided to employees and other required recipients: (i) an updated CHIP notice; (ii) annual notice required under the Women’s Health and Cancer Rights Act; (iii) a Medicare Part D notice; (iv) a notice of “grandfathered plan status” under the ACA (if applicable); (v) a HIPAA notice of privacy practices for any self-funded plans, or a statement describing the availability of the HIPAA notice of privacy practices and where the notice can be accessed; (vi) the ADA wellness plan notice (if applicable); (vii) notice required under ACA Section 1557 (if applicable); (viii) Michelle’s Law notice (if student status is used to determine eligibility for any purpose); (ix) ACA notice regarding choice of providers; (x) a copy of the COBRA general notice; and (xi) ERRP notice (if applicable)
- By November 30: Distribute 401(k)/403(b) plan notices, including QDIA notice, safe harbor notice, and auto enrollment notice

Other Special Projects:

- Conduct annual open enrollment (dates TBD)
- Hold quarterly meeting of Benefits Committee to review investment performance, fees, plan administration data, and plan operational issues for quarter ending September 30

DECEMBER

- By December 15: Distribute Summary Annual Reports for retirement plans, and for health and welfare plans with more than 100 participants (assuming Form 5558 was filed to extend due date from Form 5550)
- By December 31: Adopt plan amendments for discretionary plan changes that have taken effect during 2020, and interim amendments required by statute or regulations to be adopted by year-end
- Confirm retirement plan recordkeepers have paid annual required minimum distributions (RMDs) to participants whose required beginning date occurred prior to 2020
- Process corrective distributions to “cure” failed ADP/ACP tests for 2019 with payment of 10% excise tax
- Provide defined benefit pension plan participants with an annual notice about the availability of pension benefit statements, or provide participants with an annual notice about the availability of (and the means to obtain) the pension benefit statement for 2020 if the alternative notification approach is being used for 2020
- Correct DCAP discrimination testing failures
- Provide eligible ESOP participants with notice about their rights to diversify a portion of their ESOP accounts
- Deadline for a safe harbor plan to remove its safe harbor status for the following year, or for an existing defined contribution plan to convert to a safe harbor plan (other than a non-elective safe harbor plan)
- Deadline for actuary’s certification of 2020 AFTAP to prevent presumed AFTAP of less than 60% from applying January 1, 2020 (or retroactively to October 1, 2020, if range certification is issued prior to October 1, 2020)

Other Special Projects:

- Remind employees and participants to review and elect aged-50-and-over catch-up contributions in 401(k)/403(b) plans, to be effective January 1, 2021
- Notify employees of cost of living increases in regular and catch-up contribution limits in 401(k)/403(b) plans, to be effective January 1, 2021
- Work with finance and payroll departments to set up internal systems to reflect retirement plan contribution and compensation limits for 2021

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